



Entered on Docket  
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
IN WHOLE OR IN PART UPON  
INVESTMENT IN THE SHAMROCK  
TOWER LP LOAN**

Hearing Date: November 13, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Second Omnibus Objection Of USACM Trust To  
2 Proofs Of Claim Based In Whole Or In Part Upon Investment In The Shamrock Tower LP  
3 Loan [DE 7631] (the “Objection”); the Court having heard the Objection on November 13,  
4 2009; appropriate notice of the Objection having been given; no response to the Objection  
5 having been filed; and good cause appearing:

6 **IT IS ORDERED:**

- 7 1. The Objection [DE 7631] is sustained; and  
8 2. The claims listed on **Exhibit A** attached are disallowed to the extent they are  
9 based upon a direct lender investment in the Shamrock Tower LP Loan.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles  
14 John Hinderaker (*pro hac vice*)

15 *Attorneys for USACM Liquidating Trust*  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Attorneys for USACM Liquidating Trust

**SHAMROCK LOAN  
SECOND OMNIBUS OBJECTION**

**Exhibit A  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Shamrock Tower LP Loan</b>
10725-02059	Jack R. Clark and Linda C. Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	\$1,782,032.06	\$100,000.00
10725-02202	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$122,256.24
10725-01917	Farrah Family Trust	Joseph Farrah Trustee 1410 Murchison Dr Millbrae, CA 94030	\$5,667.12	\$4,642.72
10725-01212	Jay E. Henman Retirement Plan	c/o Jay E. Henman Trustee 1023 Ridgeview Ct Carson City, NV 89705-8054	\$747,243.00	\$75,000.00
10725-02048	Edward O. High	1413 Pelican Bay Trail Winter Park, FL 32792	\$403,994.76	\$100,000.00
10725-01632	Charles E. and Janet P. Johnson Jt Ten	17 Front St Palm Coast, FL 32137-1453	Contingent and Unliquidated	Unknown
10725-01660	Robert J. and Ruth Ann Kehl	Janet L. Chubb, Esq Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$12,841,680.13	\$500,000.00
10725-02051	Carol Mortensen Family Trust Dtd 9/9/90	c/o Carol Mortense Ttee 4847 Damon Cir Salt Lake City, UT 84117	\$345,750.98	\$100,000.00
10725-02121	Olga O'Buch Trust Dtd 5/28/98	Olga O'Buch Ttee 140 Gazelle Rd Reno, NV 89511	\$507,403.52	\$100,000.00
10725-01901	Charles and Mary Parker	14470 Emerald Path Apple Valley, MN 55124	\$236,840.31	\$57,058.65